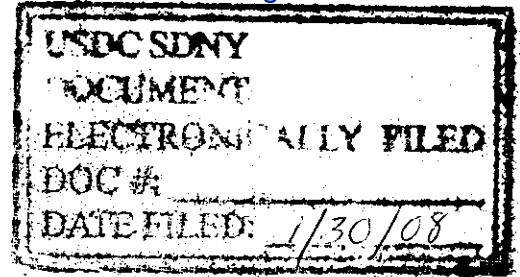


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



----- x  
CHARLES COLEMAN, et al., :

Plaintiffs, :

-against- :

INTERCOUNTY PAVING ASSOCIATES,  
L.L.C., et al., :

Defendants. :

----- x  
**ANDREW J. PECK, United States Magistrate Judge:**

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that plaintiff may reinstate the action by February 15, 2008 if the settlement is not fully effectuated. Any pending motions are to be terminated as moot.

SO ORDERED.

DATED: New York, New York  
January 30, 2008

  
\_\_\_\_\_  
**Andrew J. Peck**  
United States Magistrate Judge

Copies by fax & ECF to: Vincent F. O'Hara, Esq.  
Nolan E. Shanahan, Esq.  
Robert Dowd, Esq.  
Judge Barbara S. Jones

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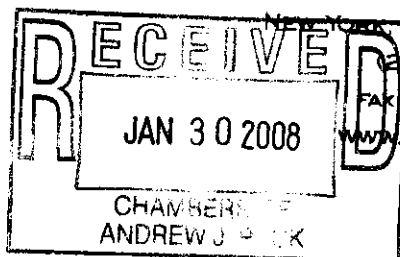
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January 30, 2008

### VIA FACSIMILE

The Honorable Magistrate Judge Andrew J. Peck  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 1370  
New York, NY 10007

Re: *Coleman et al. v. Intercounty Paving Assoc. L.L.C et al.* (07-CV-8136)  
Status Update  
Our File No. 4754.002

Dear Magistrate Judge Peck,

Holm & O'Hara LLP represents the Plaintiffs, the Laborers Local 754 and the Laborers Local 754 Joint Benefit Funds ("Plaintiffs") in the above mentioned case. Plaintiffs write to advise the Court of the status of the case.

The parties have reached a settlement. The audit was completed to the satisfaction of both parties. Defendants are sending the final check for delinquent contributions to Plaintiffs today or Thursday by FedEx. As soon as that check clears, Plaintiffs are prepared to dismiss without costs or fees. The stipulation of dismissal has been drafted and sent by Holm & O'Hara LLP to Nolan Shanahan for signature. Assuming Defendants send the check by Thursday, Plaintiffs should have the stipulation of dismissal ready to file with the Court via ECF on Wednesday, February 6, 2008 at which time the final check is expected to have been received and cleared.

Thank you for your courtesy and cooperation in this matter.

Respectfully,

Vincent F. O'Hara

VFO/cbn

cc: Robert Dowd, Esq. (via facsimile)  
Nolan E. Shanahan, Esq. (via facsimile)